WP(C) 1509/2007

BEFORE

THE HON'BLE MR. JUSTICE B.K.SHARMA

Heard Mr. A. Sarma, learned counsel for the petitioner as well as Ms R. Chakraborty, learned State counsel representing the official respondents. I have also heard Mr. U.K. Nair, learned counsel appearing for the Respondent No.5.

This writ petition has been filed making a grievance against the Annexure-VII order dated 8.3.2007 by which the petitioner has been transferred from Rangia to Titabor. In her place, the Respondent No.5 has been posted.

According to the petitioner, the transfer order has not been issued in any public interest, but has been issued to accommodate the Respondent No.5. There is no dispute that the petitioner is at Rangia for last about 7 years and thus, is due for her transfer. The Respondent No.5, who was earlier posted at Nalbari, was transferred to Guwahati by order dated 5.12.2006. However, the said order was cancelled. The order was passed in supersession of the earlier order, by which the Respondent No.5 was transferred to Titabor.

While it is the case of the Respondent No.5 that since the petitioner has completed more than 3 years of service at Rangia, she is due for transfer, it is the case of the petitioner that because of her various difficulties in the domestic front as well as in view of the Circular dated 22.5.2002, she cannot be transferred beyond the transfer season i.e. December and January. It appears that the petitioner by her representation dated 14th March, 2007 addressed to the Commissioner and Secretary to the Government of Assam in the Department of Fishery, has made a request for modification of the transfer order and to place her in any nearby block. She has mentioned about the Kamalpur Block, where according to her, there is a vacant post of Fishery Extension Officer.

Considering the limited scope for interference in the matter of transfer exercising the writ jurisdiction and also in view of the fact that the petitioner has already completed the normal tenure of 3 years and in fact, is at Rangia for last about 7 years, while not interferring with the order of transfer dated 8.3.2007 (Annexure-VII to the writ petition), it is hereby directed that the respondents shall consider her case for her transfer and posting elsewhere, as has been prayed for by her in her representation dated 14.3.2007 (Annexure-VIII to the writ petition).

The petitioner may obtain a certified copy of this order and produce the same before the Commissioner and Secretary to the Government of Assam, Fishery Department for his consideration of the prayer of the petitioner for her posting in any nearby place. The Commissioner shall consider the same as expeditiously as possible preferably, within 30th April, 2007.

With the above observation and direction, the writ petition is disposed of. Interim order passed on 28.3.2007 stands merged with this order.